

# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS Great Plains Regional Office 115 Fourth Avenue S.E., Suite 400 Aberdeen, South Dakota 57401

IN REPLY REFER TO: DESCRM MC-208

OCT 3 1 2012

Jim Lafonte

# **MEMORANDUM**

TO:

Superintendent, Fort Berthold Agency

<sub>Actin</sub>g

FROM:

Regional Director, Great Plains Region

SUBJECT:

Environmental Assessment Addendum and Finding of No Significant Impact

In compliance with the regulations of the National Environmental Policy Act (NEPA) of 1969, as amended, an Addendum has been completed and a Finding of No Significant Impact (FONSI) has been issued. The Addendum authorizes land use for the Riverview Compressor Station on the Fort Berthold Indian Reservation.

All the necessary requirements of the National Environmental Policy Act have been completed. Attached for your files is a copy of the Addendum, FONSI and Notice of Availability. The Council on Environmental Quality (CEQ) regulations require that there be a public notice of availability of the (40 C.F.R. Section 1506.6(b)). Please post the attached notice of availability at the Agency and Tribal buildings for 30 days.

If you have any questions, please call Marilyn Bercier, Regional Environmental Scientist, Division of Environment, Safety and Cultural Resources Management, at (605) 226-7656.

# Attachment

CC: Tex Hall, Chairman, Three Affiliated Tribes (with attachment)
Elgin Crows Breast, Tribal Historic Preservation Officer (with attachment)
Daniel Velder, BLM, Bureau of Land Management (with attachment)
Grady Wolfe, KLJ (with attachment)
Carson Hood/Fred Fox, MHA Energy Dept. (with attachment)
Jonathon Shelman, Corps of Engineers (e-mail)
Jeff Hunt, Fort Berthold Agency (e-mail)

# Finding of No Significant Impact

# Saddle Butte Pipeline, LLC (SBP)

Riverview Compressor Station
Addendum to:
Saddle Butte Pipeline, LLC January 2010
Red Tipped Arrow 33-11H Well Site to Bear Paw Energy Connection

Fort Berthold Indian Reservation McKenzie County, North Dakota

The U.S. Bureau of Indian Affairs (BIA) has received a proposal for an addendum to the above referenced Environmental Assessment (EA). The proposal is to construct a natural gas compressor station in McKenzie County, North Dakota, on the Fort Berthold Reservation. The compressor station would be cleared as an addendum to the original Saddle Butte Pipeline, LLC (January 2010 Environmental Assessment (EA)/ February 2010 Finding of No Significant Impact (FONSI)) Red Tipped Arrow 33-11H Well Site to Bear Paw Energy Connection. The proposed compressor station would be used as a gathering system and central delivery point. The Riverview Compressor Station would service wells connected to SBP Riverview and Hawkeye gathering lines. Associated federal actions by BIA include determinations of impacts and effects regarding environmental resources for developments on tribal lands.

The potential of the proposed actions to impact the human environment is analyzed in the attached addendum to an existing EA, as required by the National Environmental Policy Act. Based on the recently completed addendum to the EA, I have determined that the proposed project will not significantly affect the quality of the human environment. No Environmental Impact Statement is required for any portion of the proposed activities.

This determination is based on the following factors:

- 1. Agency and public involvement solicited for the preceding NEPA document was sufficient to ascertain potential environmental concerns associated with the currently proposed project.
- 2. Protective and prudent measures were designed to minimize impacts to air, water, soil, vegetation, wetlands, wildlife, public safety, water resources, and cultural resources. The remaining potential for impacts was disclosed for both the proposed actions and the No Action alternative.
- 3. Guidance from the U.S. Fish and Wildlife Service has been fully considered regarding wildlife impacts, particularly in regard to threatened or endangered species. This guidance includes the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.), the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250), Executive Order 13186 "Responsibilities of Federal Agencies to Protect Migratory Birds", and the Endangered Species Act (16 U.S.C. 1531 et seq.).
- 4. The proposed actions are designed to avoid adverse effects to historic, archaeological, cultural and traditional properties, sites and practices. Compliance with the procedures of the National Historic Preservation Act is complete.
- 5. Environmental justice was fully considered.

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- 6. Cumulative effects to the environment are either mitigated or minimal.
- 7. No regulatory requirements have been waived or require compensatory mitigation measures.
- 8. The proposed projects will improve the socio-economic condition of the affected Native American community.

Regiona

10-31-201X

# **Notice of Availability and Appeal Rights**

Saddle Butte Pipeline, LLC: Riverview Compressor Station

The Bureau of Indian Affairs (BIA) is planning to issue administrative approvals for an Addendum for the Riverview Compressor Station on the Berthold Reservation as shown on the attached map. Construction by Saddle Butte Pipeline is expected to begin in 2012.

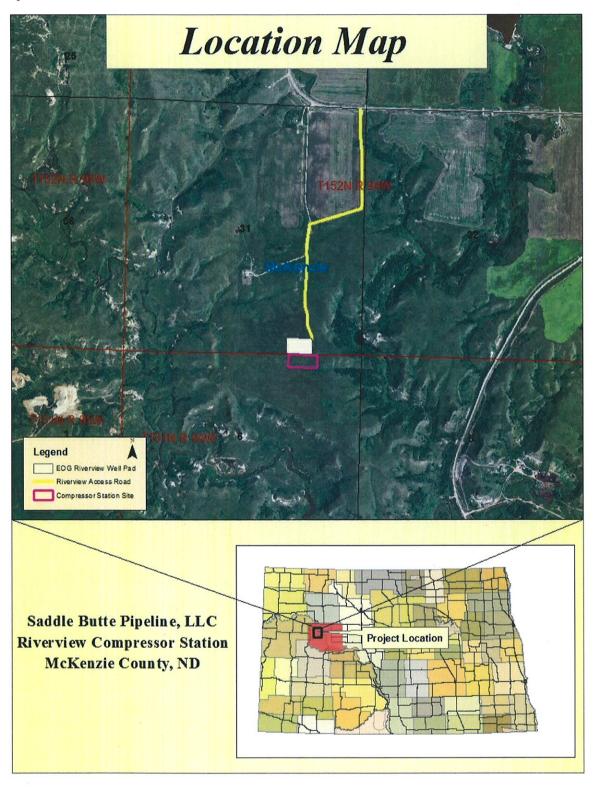
An environmental assessment (EA) determined that proposed activities will not cause significant impacts to the human environment. An environmental impact statement is not required. Contact Earl Silk, Superintendent at 701-627-6570 for more information and/or copies of the EA and the Finding of No Significant Impact (FONSI).

The FONSI is only a finding on environmental impacts – it is not a decision to proceed with an action and *cannot* be appealed. BIA's decision to proceed with administrative actions *can* be appealed until November 29, 2012, by contacting:

United States Department of the Interior Office of Hearings and Appeals Interior Board of Indian Appeals 801 N. Quincy Street, Suite 300, Arlington, Va 22203.

Procedural details are available from the BIA Fort Berthold Agency at 701-627-6570.

# Project locations.



# **ENVIRONMENTAL ASSESSMENT**

# Addendum

United States Bureau of Indian Affairs

Great Plains Regional Office Aberdeen, South Dakota



Saddle Butte Pipeline, LLC **Riverview Compressor Station** 

# Addendum to:

Saddle Butte Pipeline, LLC, January 2010 Red Tipped Arrow 33-11H Well Site to Bear Paw Energy Connection

Fort Berthold Indian Reservation

October 2012

For information contact:

Bureau of Indian Affairs, Great Plains Regional Office Division of Environment, Safety and Cultural Resources 115 4th Avenue SE Aberdeen, South Dakota57401 605-226-7656

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# **APPENDIX**

**Appendix A Right-of-Way Easements** 

# 1

### PURPOSE AND NEED FOR THE PROPOSED ACTION

Saddle Butte Pipeline, LLC (SBP) proposes to construct a natural gas compressor station in McKenzie County, North Dakota, on the Fort Berthold Indian Reservation. The compressor station would connect to the existing Saddle Butte Trunk Line (January 2010 Environmental Assessment (EA)/February 25, 2010 Finding of No Significant Impact (FONSI)) and be used as a gathering system and central delivery point.

The proposed compressor station would be located on tribal lands in Section 6, T151N, R94W. The compressor station would be accessed by a previously approved well pad access road that leads to EOG Resources Riverview Well Pad. The Riverview Well Pad is located adjacent to the proposed compressor station and was approved with a FONSI on June 3, 2011.

The purpose of the proposed action is to allow SBP to construct the compressor station to effectively transport natural gas through their pipeline systems to market.

Installation of the proposed compressor station would further support important benefits to the Three Affiliated Tribes and may provide individual members of the tribes with needed employment and income. Installation of the proposed compressor station would reduce waste of valuable resources associated with continued flaring of produced gas, as well as minimize truck traffic, environmental and public health and safety concerns.

Please refer to Figure 1, Project Location Map.

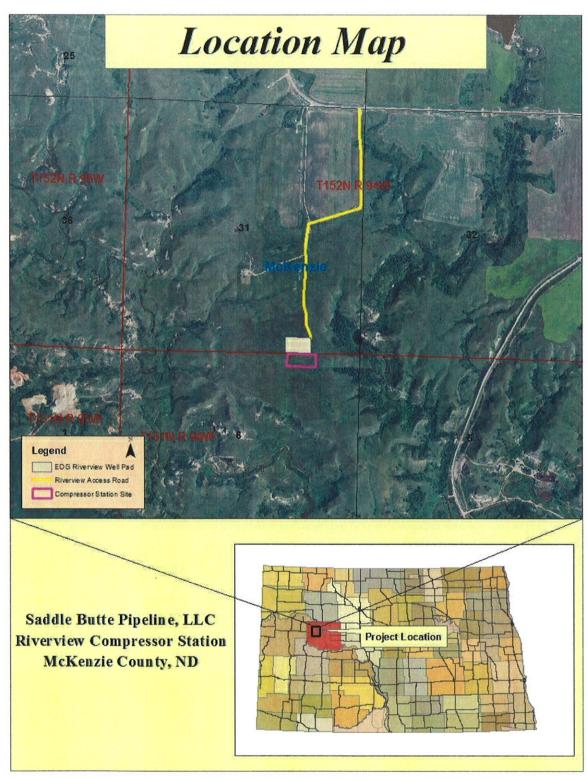


Figure 1, Project Location Map

# 2 AUTHORITIES

Oil and gas exploration and development activities are conducted under authority of the Indian Mineral Leasing Act of 1938 (25 United States Code [USC] 396a, et seq.), the Indian Mineral Development Act of 1982 (25 USC 2101, et seq.), and the Energy Policy Act of 2005 (42 USC 15801, et seq.).

# 3 LEGAL LAND DESCRIPTION OF PROPOSED ACTION

 The proposed compressor station would be located in McKenzie County, North Dakota, in Section 6, T151N, R94W.

# 4 SCOPE OF WORK FOR PROPOSED ACTION

The proposed action includes authorization by the BIA to install a compressor station and other appurtenances above or below ground to move produced gas and liquids to a suitable processing location. The proposed compressor station would likely consist of a generator, compressor, liquid separator tanks and associated components. Please refer to *Figure 2, Compressor Station Layout*.

Twenty eight miles of natural gas and oil pipelines were approved in a FONSI for the Saddle Butte Trunk Lines project on September 9, 2010. Since that time, plans have been developed to construct additional lines from newly developed oil and gas wells in the surrounding area to the SBP Trunk Lines. With the addition of the natural gas and oil pipelines, compressor stations are needed to efficiently transport the product through the pipelines to market.

Every effort would be made to minimize surface disturbance during the construction process. Interim reclamation of the site would be completed within six months of final construction. For locations reclaimed in winter months or late fall such that no germination is possible, SBP would either use a sprayed reinforcement, lain matting reinforcement, spread and crimp straw and/or would minimize erosion issues with straw wattle and silt fence through winter months. Any temporary reclamation measures would remain until SBP can stabilize the site with vegetation consistent with surrounding vegetation. All temporary reclamation measures would be inspected on a monthly basis, or more frequently as necessary, throughout the winter. In addition, SBP would also install straw wattles or similar BMP's on slopes as needed to provide erosion breaks.

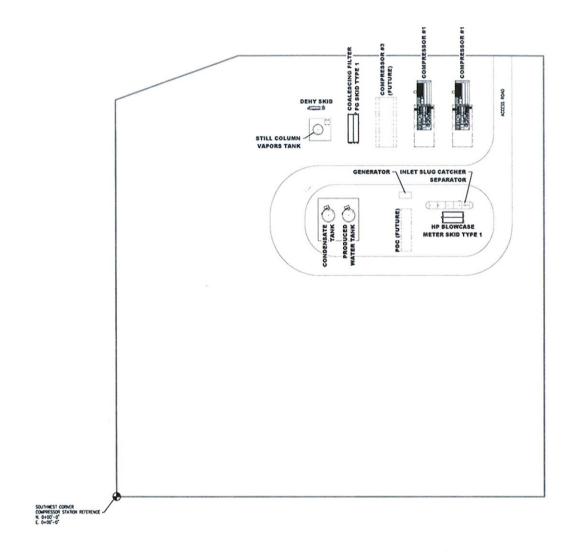


Figure 2, Compressor Station Layout

# 5 APPLICABLE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) DOCUMENTS

The following NEPA document has been previously approved by BIA for the proposed action:

Saddle Butte Pipeline, LLC (January 2010 Environmental Assessment (EA)/ February 2010
Finding of No Significant Impact (FONSI)) Red Tipped Arrow 33-11H Well Site to Bear Paw
Energy Connection.

# 6

An intensive, pedestrian resource survey of the proposed compressor station site was conducted on June 14, 2012 by Kadrmas, Lee & Jackson (KL&J). The purpose of this survey was to gather site-specific data and photos with regards to botanical, biological, threatened and endangered species, eagles and water resources. Approximately four acres were surveyed. In addition, a 0.50 mile wide buffer around all areas of project disturbance was used to evaluate the presence of eagles and eagle nests. Resources were evaluated using visual inspection and pedestrian transects across the site.

The BIA EA on-site assessment of the proposed compressor station was also conducted on June 14, 2012. The BIA Environmental Protection Specialist, SBP and KL&J participated in this assessment. During the assessment, construction suitability with respect to topography, stockpiling, drainage, erosion control and other surface issues were considered. Those present at the on-site assessment agreed that, because of the minimization measures SBP plans to implement, the proposed compressor station is positioned in an area which would minimize impacts to sensitive wildlife and botanical resources.

A Class I Literature Review for the proposed site was conducted by KL&J in June 2012. A Class III Cultural Resources Survey was conducted by KL&J on June 15, 2012. A tribal monitor from the Mandan, Hidatsa and Arikara Nation (MHA Nation) Tribal Historic Preservation Office (THPO) was invited to the field inventory, but was unable to attend. The Area of Potential Effect (APE) or area surveyed, consisted of an approximately 4.8 acre site centered on the proposed compressor location.

# 7 ASSESSMENT OF ENVIRONMENTAL IMPACTS

The following discussion addresses environmental and social impacts as a result of the project expansion. Impacts are only discussed if the project has changed the impact assessment reflected in the January 2010 EA, or to note why the impact assessment has not changed.

# A. Air Quality

Natural gas compressor stations do produce air emissions; however, the installation of the compressor station would allow for a more efficient distribution of natural gas through the pipeline system. This would result in less natural gas being flared at individual well sites.

On June10, 2011, the Environmental Protection Agency approved a Federal Implementation Plan (FIP) to ensure that the Clean Air Act is applied consistently in Indian County. As part of the FIP, facilities that emit minor sources of emissions are required to apply for a Minor Source Permit. Saddle Butte has committed to applying for and obtaining a Minor Source Permit prior to operation of the compressor station.

Because of the reduction in flaring from surrounding wells as well as the limited amount of emissions from the facility, no adverse impacts to air quality are expected.

# B. Cultural Resources

A cultural resource inventory of this compressor station site was conducted by personnel of Kadrmas, Lee & Jackson, Inc., using an intensive pedestrian methodology. Approximately 4.8 acres were inventoried on June 15, 2012 (Ó Donnchadha 2012). No historic properties were located that appear to possess the quality of integrity and meet at least one of the criteria (36 CFR 60.6) for inclusion on the National Register. As the lead federal agency, and as provided for in 36 CFR 800.5, on the basis of the information provided, BIA reached a determination of **no historic properties affected** for this undertaking. This determination was communicated to the THPO on August 1, 2012; however, the THPO did not respond within the allotted 30 day comment period.

Ó Donnchadha, Brian

(2012) Riverview Compressor Station: A Class III Cultural Resource Inventory in McKenzie County, North Dakota. KLJ Cultural Resources for Saddle Butte Pipeline, LLC, Durango, CO.

If cultural resources are discovered during construction or operation, work shall immediately be stopped, the affected site secured, and BIA and THPO notified. In the event of a discovery, work shall not resume until written authorization to proceed has been received from the BIA. All project workers are prohibited from collecting artifacts or disturbing cultural resources in any area under any circumstances.

# C. Ground and Surface Waters

No significant impacts to ground or surface water are expected to result from the proposed construction of the compressor station. The proposed project has been sited to avoid direct impacts to ground and surface waters and to minimize the disruption of drainage patterns across the landscape. Implementation of BMP's to control erosion would mitigate runoff of sediment downhill or downstream.

### D. Land Use

The proposed project area is located within a predominantly rural area; land use consists of native rangeland/natural prairie vegetation characterized by western wheatgrass (*Pascopyrum smithii*), needle and thread grass (*Hesperostipa comata*), green needlegrass (*Nassella viridula*) and blue grama (*Bouteloua gracilis*). Prairie rose (*Rosa arkansana*), leadplant (*Amorpha canescens*) and patches of western snowberry (*Symphoricarpos occidentalis*) are interspersed throughout the area. Please refer to *Figure 3, Proposed Site Vegetation*.

The proposed project would permanently convert approximately 1.0 acre of tribal trust land from its existing use into a natural gas compressor station and temporarily affect up to 4.0 acres due to construction. All above ground facilities and equipment would be painted shale green to blend in with the surrounding landscape. No mitigation is proposed.



Figure 3, Proposed Site Vegetation

# D. Public Health and Safety

Third-party intrusions are one of the biggest contributing factors to spills. To aid in the prevention of such intrusions, SBP would fully comply with the marking requirements specified in the US Department of Transportation's rules and regulations, specifically contained in 49 CFR Parts 192 and 195. To ensure such compliance, SBP developed construction specifications to delineate the requirements for pipeline marking in accordance with applicable laws, rules, and regulations. Including, but not limited to, the locations of such markings (e.g., road crossings, water body crossings, line of sight, etc.) and the manner of marking such pipelines (e.g., height of markings and signage on the markings).

SBP has committed to developing a spill response plan that would be submitted to the BIA prior to the commencement of the construction activities. The response plan would include procedures that specifically address making the appropriate contacts, isolating the incident, protecting waterways and providing contact information for all the appropriate contractors and experts necessary to facilitate a rapid response.

# E. Wildlife

During the field survey, no wildlife was observed. The proposed compressor site is located in an area that could provide habitat for a variety of wildlife, including American badger (*Taxidea taxus*), mule deer (*Odocoileus hemionus*), whitetail deer (*Odocoileus virginianus*), plains sharptail grouse (*Tympanuchus phasianellus*), ring-necked pheasant (*Phasianus colchicas*), song birds, coyote (*Canis latrans*), red fox (*Vulpes vulpes*), Eastern cottontail rabbit (*Sylvilagus floridanus*), and white-tailed jackrabbit (*Lepus townsendii*). Due to the proposed project location being located near current drilling operations, well pads and pipeline construction, the additional construction of the proposed compressor station is not expected to impact or displace additional animals. If construction occurred between February 1 and July 15, SBP would need to have a preconstruction survey conducted by a qualified biologist within 5 days prior to project construction in order to identify any birds or nests

within the construction area, unless mowing/grubbing of the project area occurs prior to the breeding/nesting survey. Electrical lines will be placed underground to prevent possible bird strikes and to minimize visual impacts.

# 8 NEPA ADEQUACY CRITERIA

This document has identified one previously prepared NEPA document, Saddle Butte Pipeline, LLC (January 2010 Environmental Assessment (EA)/ February 2010 Finding of No Significant Impact (FONSI)) Red Tipped Arrow 33-11H Well Site to Bear Paw Energy Connection, which adequately describes the environmental consequences of the newly proposed actions described herein, and meets the following NEPA Adequacy Criteria:

- 1. The proposed actions are substantially the same actions and at the sites specifically analyzed in the existing NEPA documents.
- The range of alternatives is reasonable with respect to the current proposed actions in the
  existing NEPA documents, which appropriately considers and analyzes current
  environmental concerns, interests, and resource values.
- 3. The existing analysis and conclusions are adequate in the existing NEPA documents. The analysis is still valid in light of new studies and/or resource assessment information.
- 4. The methodology and analytical approach used in the existing NEPA documents continues to be appropriate for the proposed actions.
- 5. The direct and indirect impacts of the proposed actions are unchanged from those identified in the existing NEPA documents.
- 6. The cumulative impacts that would result from implementation of the proposed actions are unchanged from those analyzed in the existing NEPA documents.
- 7. A 30-day comment period involving public input and interagency review was used in the development of the existing NEPA documents.



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS Great Plains Regional Office 115 Fourth Avenue S.E., Suite 400 Aberdeen, South Dakota 57401

IN REITLY REITER TO: DESCRM MC-208

AUG 0 1 2012

Elgin Crows Breast, THPO Mandan, Hidatsa and Arikara Nation 404 Frontage Road New Town, North Dakota 58763

Dear Mr. Crows Breast:

We have considered the potential effects on cultural resources of a compressor station in McKenzie County, North Dakota. Approximately 4.8 acres were intensively inventoried using a pedestrian methodology. Potential surface disturbances are not expected to exceed the area depicted in the enclosed report. No historic properties were located that appear to possess the quality of integrity and meet at least one of the criteria (36 C.F.R. § 60.4) for inclusion on the National Register of Historic Places. No properties were located which appear to qualify for protection under the American Indian Religious Freedom Act (42 U.S.C. § 1996 [1994]).

As the surface management agency, and as provided for in 36 C.F.R. § 800.5 (2005), we have therefore reached a determination of **no historic properties affected** for this undertaking. Catalogued as **BIA** Case Number AAO-3031/FB/12, the proposed undertaking, location, and project dimensions are described in the following report:

Ó Donnchadha, Brian

(2012) Riverview Compressor Station: A Class III Cultural Resource Inventory in McKenzie County, North Dakota. KLJ Cultural Resources for Saddle Butte Pipeline, LLC, Durango, CO.

If your office concurs with this determination, consultation will be completed under the National Historic Preservation Act and its implementing regulations. We will adhere to the Standard Conditions of Compliance.

If you have any questions, please contact Dr. Carson N. Murdy, Regional Archaeologist, at (605) 226-7656.

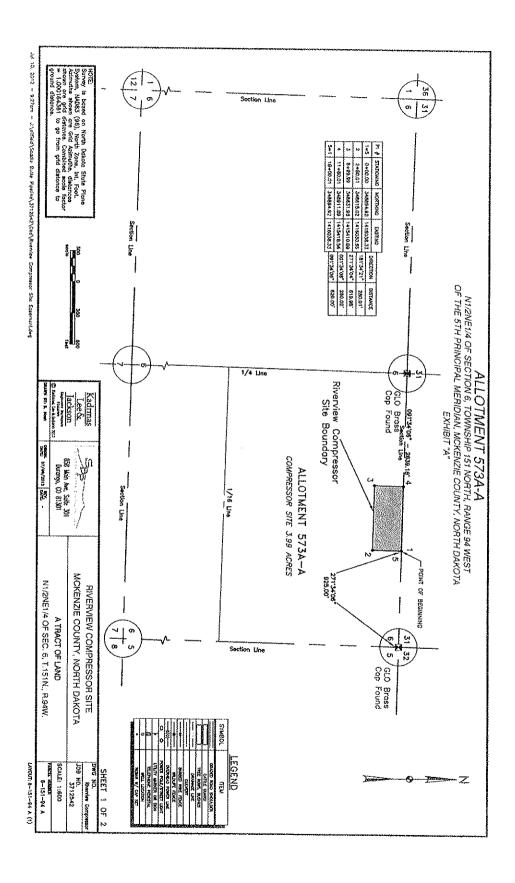
Sincerely,

Acting J. P. Regional Director

Enclosure

cc: Chairman, Three Affiliated Tribes Superintendent, Fort Berthold Agency

# APPENDIX A RIGHT OF WAY EASEMENTS



ALLOTMENT 573A-A N1/2NE1/4 OF SECTION 6, TOWNSHIP 161 NORTH, RANGE 94 WEST OF THE 5TH PRINCIPAL MERIDIAN, MCKENZIE COUNTY, NORTH DAKOTA EXHIBIT "A"

SADDLE BUTTE PIPELINE COMPANY RIVERVIEW COMPRESSOR SITE

### DESCRIPTION: TRACT OF LAND SURVEY

A tract of land located in the North Half of the Northeast Quarter of Section 6, Township 151 North, Range 94 West of the 5th Principal Maridian, McKenzie County, State of North Dakota, being more particularly described as follows:

Commencing at the northeast corner of said Section 6; thence along the north line of the Northeast Quarter of said Section 6 on an azimuth of 271'34'06" a distance of 925.00 feel to the POINT OF BESINNING (PI #1=5); thence on an azimuth of 181'34'21" a distance of 280.01 feet to a point (PI #2); thence on an azimuth of 271'34'04" a distance of 619.98 feet to a point (PI #3); thence on an azimuth of 001'34'08" a distance of 280.02 feet to a point (PI #4) on the north line of the Northeast Quarter of said Section 6; thence along the north line of the Northeast Quarter of said Section 6 on an azimuth of 091'34'06" a distance of 620.00 feet to the POINT OF BEGINNING (PI #5=1). Said point is located on an azimuth of 271'34'06" a distance of 925.00 feet from the northeast corner of said Section 6.

Said tract contains 3.99 acres.

# NOTES:

- 1. Survey is based on North Dakota State Plane System, NAD83 (96), North Zone, Int. Foot. Azimuths shown are Grid Azimuths, distances shown are grid distance. Combined scale factor = 1.000164361 to go from grid distance to ground distance.
- Descriptions and sketches of assements depicted herein are based on information obtained white conducting the survey for easement acquisition and on deads supplied by the client, and DO NOT CONSTITUTE THE RESULTS OF A FULL BOUNDARY SURVEY.

RON J. KADRANA SURFFYOR LS 3758 1000 TORTH OAKO

I, Myron J. Kodrmas, Registered Land Surveyor, N.D. RLS No. 3758, do hereby certify that the survey plat shown hereon was made by me, or under my direction, from notes made in the field, and the same is true and correct to the best of my knowledge and bolief. The field survey was performed by Kirk J. Jargenson on May 29, 2012.

7-10-12 Dote

todomas Myron J. Kadinas, N.D. RLS No. 3758 Registered Land Surveyor

SHEET 2 OF 2 DWG NO. Sheeter Comp Kadrmas Lee& Sep RIVERVIEW COMPRESSOR SITE JOS NO. 3712542 MCKENZIE COUNTY, NORTH DAKOTA lackson 858 Main Ave, Suite 301 Durango, CO 81301 A TRACT OF LAND SCALE: NONE 0000 00000 6~151-94 A DATE 07/06/12 SATE -N1/2NE1/4 SEC. 6, T.151N., R,94W. N 572 X 1600A

LAYDUT: 6--151-04 A (2)